

REMARKS**I. General**

Claims 1-30 are pending in the application. Claims 1-8 and 12-19 stand rejected under 35 U.S.C. § 102. Claims 1-30 stand rejected under 35 U.S.C. § 103. Claims 6, 18 and 19 stand rejected under 35 U.S.C. § 112. Applicant hereby traverses the rejections, and respectfully requests reconsideration and withdrawal in light of the remarks contained herein.

II. Amendments to the Claims

Claims 1, 6, 13, 18 and 19 are amended to more clearly define the invention. Applicant asserts that support for these amendments can be found in the originally-filed application, at least in paragraphs 2 and 3 of page 9, and Figures 1 and 2. No new matter has been added by these amendments.

III. Rejections under 35 U.S.C. § 112

Claims 6, 18 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that the phrase “said signals” in claims 6, 18 and 19 lacks antecedent basis. Applicant believes that the clauses containing the phrases “said signals” are duplicative of other clauses in the claims, and thus, these clauses have been deleted in this current amendment. Applicant asserts that the 35 U.S.C. § 112, second paragraph, rejections of claims 6, 18 and 19 are now moot. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 6, 18 and 19.

IV. Rejections under 35 U.S.C. § 102

Claims 1-8 and 12-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,823,022 to Fullerton et al. (“Fullerton”).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required

by the claim.” M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Applicant respectfully asserts that the rejections do not satisfy these requirements.

Independent claim 1 now recites “An automatic gain control system comprising: means for tabulating statistical information … and means operable … for directing receiver gain of said receiver gain control system.” Fullerton does not disclose at least this aspect of claim 1. That is, Fullerton does not disclose directing the gain of a receiver using statistical information. Rather, Fullerton discloses adjusting only transmitter power levels. Fullerton, col. 17, lines 5-6. Thus, Fullerton does not disclose an automatic gain control system for a receiver comprising means for tabulating statistical information and means operable for directing the gain of the receiver gain control system, as required by claim 1.

Therefore, Fullerton does not disclose all the limitations of claim 1. Accordingly, Applicant asserts that claim 1 is patentable for, at least, the reason set forth above, and requests withdrawal of the U.S.C. § 102(e) rejection of claim 1.

Independent claim 13 now recites “A method for operating a gain control circuit, said method comprising … directing receiver gain of said receiver gain control circuit under at least partial control of said gathered statistical information ….” Fullerton does not disclose at least this aspect of claim 13. That is, Fullerton does not disclose directing the gain of a receiver using statistical information. Rather, Fullerton discloses adjusting transmitter power levels. Fullerton, col. 17, lines 5-6. Thus, Fullerton does not disclose a method for operating a receiver gain control circuit comprising directing the gain of a receiver gain control circuit under at least partial control of gathered statistical information, as required by claim 13.

Therefore, Fullerton does not disclose all the limitations of claim 13. Accordingly, Applicant asserts that claim 13 is patentable for, at least, the reason set forth above, and requests withdrawal of the U.S.C. § 102(e) rejection of claim 13.

Claims 2-8, 12 and 14-19 depend from a respective one of base claims 1 and 13, and thus inherit all the limitations of their respective base claim. Claims 2-8, 12 and 14-19, therefore, set forth features and limitations not disclosed by Fullerton. Applicant asserts that these dependent claims are patentable for, at least, the reasons set forth above with respect to

claims 1 and 13. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 102(e) rejections of claims 2-8, 12 and 14-19.

Further, Fullerton teaches that adapting transmitter operation alone is sufficient to mitigate the effects of interference. For example, Fullerton teaches:

Transmission rates (bit rates), signal strength, packet sizes and frequency of packet repetition, and other parameters associated with conveying a transmission message using impulse radio may be varied advantageously to mitigate the effects of electromagnetic interference, whatever the source of the interference may be.

Fullerton, col. 2, lines 41-47(emphasis added). *See also* Abstract of Fullerton, lines 14-27. According to Fullerton, the effects of interference may be mitigated by varying parameters controlled entirely by the transmitter side of a wireless system. Accordingly, one of ordinary skill in the art would not have found the inventions set forth in the claims to be obvious over Fullerton.

V. Rejections under 35 U.S.C. § 103

Claims 1-8 and 12-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fullerton. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fullerton in view of U.S. Patent No. 6,510,312 to Lempainen (“Lempainen”). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fullerton in view of U.S. Patent No. 4,457,007 to Gutleber (“Gutleber”). Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fullerton in view of U.S. Patent No. 6,256,477 to Eidson et al. (“Eidson”). Claims 20-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,154,503 to Stolle (“Stolle”) in view of Fullerton.

In order to establish obviousness under 35 U.S.C. § 103(a), three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Third, the applied art must teach or suggest all the claim limitations. M.P.E.P. § 2143.03. Further, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. M.P.E.P. § 2141.02, *citing W.L.*

Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) Therefore, it is improper to combine references where the references teach away from their combination. M.P.E.P. § 2145, *citing In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Applicant asserts that the rejections do not satisfy the stated criteria, and that the references teach away from combinatins proposed in the Office Action.

A. Rejections over Fullerton

As shown above, Fullerton does not disclose all limitations of independent claims 1 and 13, and dependent claims 2-8, 12 and 14-19. Applicant asserts that Fullerton does not suggest all the limitations of independent claims 1 or 13, or the dependent claims, either.

For example, claim 1 recites ““An automatic gain control system for a receiver comprising: means for tabulating statistical information ... and means operable ... for directing the gain of said receiver gain control system,” and claim 13 recites “A method for operating a receiver gain control circuit, said method comprising ... directing the gain of said receiver gain control circuit under at least partial control of said gathered statistical information” Since, as shown above, Fullerton teaches that it is only necessary to adjust transmitter parameters, Fullerton does not teach or suggest either of the recited aspects of base claims 1 and 13, or dependent claims 2-8, 12 and 14-19. Fullerton, col. 17, lines 5-6. No other art is relied upon for the rejections of these claims. Accordingly, Applicant asserts that claims 1-8 and 12-19 are patentable for, at least, the reasons set forth above, and requests withdrawal of the U.S.C. § 103(a) rejections of claims 1-8 and 12-19.

B. Rejections over Fullerton and Lempainen

Claim 9 depends from base claim 1, and thus inherits all the limitations of claim 1. As shown above, claim 1 sets forth features and limitations not taught or suggested by the Fullerton. Lempainen is not relied upon to supply the missing limitations. Therefore, Applicant asserts that dependent claim 9 is patentable for, at least, the reasons set forth above with respect to claim 1. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 9.

C. Rejections over Fullerton and Gutleber

Claim 10 depends from base claim 1, and thus inherits all the limitations of claim 1. As shown above, claim 1 sets forth features and limitations not taught or suggested by the Fullerton. Gutleber is not relied upon to supply the missing limitations.

Moreover, Fullerton expressly teaches away from the combination proposed by the Office Action. Specifically, Fullerton teaches that “Transmission rates ... and other parameters ... using impulse radio may be varied advantageously to mitigate the effects of electromagnetic interference, whatever the source of the interference may be.” Fullerton, col. 2, lines 41-47. That is, Fullerton teaches that the effects of interference may be mitigated using only variations in parameters controlled by the transmitter. The Office Action proposes modifying receiver parameters in Gutleber, in contravention of the teaching of Fullerton. Therefore, Applicant respectfully asserts that it is improper to combine Fullerton with Gutleber.

Therefore, Applicant asserts that dependent claim 10 is patentable for, at least, the reasons set forth above with respect to claim 1. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 10.

D. Rejections over Fullerton and Eidson

Claim 11 depends from base claim 1, and thus inherits all the limitations of claim 1. As shown above, claim 1 sets forth features and limitations not taught or suggested by the Fullerton. Eidson is not relied upon to supply the missing limitations. As shown above, Fullerton expressly teaches away from adapting receiver parameters, as would be required in the proffered combination of Fullerton and Eidson. Therefore, Applicant respectfully asserts that it is improper to combine Fullerton with Eidson.

Therefore, Applicant asserts that dependent claim 11 is patentable for, at least, the reasons set forth above with respect to claim 1. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejection of claim 11.

E. Rejections over Stolle and Fullerton

Independent claims 20 and 26 both require “a digital delay stage delaying incoming RF data signals and outputting delayed IF signals” The Office Action alleges that the down-conversion to IF inherently includes delaying the RF signal. Apparently, the Office Action is suggesting that the IF down-conversion stage is a digital delay stage. Applicant notes that Stolle teaches only analog down-conversion – not digital – which means that Stolle’s IF down-conversion stage is not a digital stage. Any incidental delay provided by Stolle’s IF down-conversion, therefore, cannot be digital delay. Further, Applicant respectfully asserts that an analog down-conversion stage is not a delay stage as required by the claims. Thus, Stolle does not teach or suggest a digital delay stage delaying incoming RF data signals and outputting delayed IF signals, as recited by claims 20 and 26. Fullerton is not relied upon to supply these missing limitations.

Therefore, the proffered combination of Stolle and Fullerton does not teach or suggest all the limitations of either claim 20 or claim 26. Further, as shown above, Fullerton expressly teaches away from adapting receiver parameters, as would be required in the proffered combination of Stolle and Fullerton. Therefore, Applicant respectfully asserts that it is improper to combine Stolle with Fullerton.

Accordingly, Applicant asserts that claims 20 and 26 are patentable for, at least, the reasons set forth above, and requests withdrawal of the U.S.C. § 103(a) rejections of claims 20 and 26.

Claims 21-25 and 27-30 depend from a respective one of base claims 20 and 26, and thus inherit all the limitations of their respective base claim. As shown above, claims 20 and 26 set forth features and limitations not taught or suggested by the combination of Stolle and Fullerton. Therefore, Applicant asserts that dependent claims 21-25 and 27-30 are patentable for, at least, the reasons set forth above with respect to claims 20 and 26. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 103(a) rejections of claims 21-25 and 27-30.

VI. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 68144/P002US/10501219 from which the undersigned is authorized to draw.

Dated: 03/272006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568259525US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 27, 2006

Signature:

(Phyllis Ewing)

Respectfully submitted,

By R. Ross Viguet

R. Ross Viguet

Registration No.: 42,203

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8185

(214) 855-8200 (Fax)

Attorney for Applicant